

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL NO. 5:12-CV-26-RLV-DSC**

**ELLEN POPE,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **MICHAEL J. ASTRUE,** )  
 **Commissioner of Social Security,** )  
 )  
 **Defendant.** )

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on the “Consent Motion for Order Accepting the Parties’ Settlement Agreement on Attorney Fees and Costs” filed January 18, 2013.

The parties agree in this case that Plaintiff should be awarded attorneys’ fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$6,556.00.


The parties further agree that, pursuant to 28 U.S.C. § 2412(a)(1), Plaintiff should be awarded costs in the amount of \$350.00, payable from the Judgment Fund by the United States Department of the Treasury.

**IT IS, THEREFORE, ORDERED** that the “Consent Motion for Order Accepting the Parties’ Settlement Agreement on Attorney Fees and Costs” is GRANTED, to the extent that the Court will award attorney fees in the amount of \$6,556.00, and costs in the amount of \$350.00. Pursuant to *Astrue v. Ratliff*, 560 U.S. ---, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine within thirty days of this Order whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff

and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, the Government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

**SO ORDERED.**

Signed: January 18, 2013

  
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David S. Cayer  
United States Magistrate Judge

